

# LANI ADLER PARTNERS

(646) 732-3260 ♦ [ladler@laniadlerpartners.com](mailto:ladler@laniadlerpartners.com)

**BY ECF and E-mail (E-Mail: [SCC.Chambers@nysb.uscourts.gov](mailto:SCC.Chambers@nysb.uscourts.gov))**

September 21, 2022

Honorable Shelly C. Chapman,  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004-1408

In re Lehman Brothers Holdings, Inc., et al., Chapter 11, Case No. 08-13555 (scc)  
Lehman Brothers Holdings, Inc., v. 1st Advantage Mortgage, LLC, et al., Adv. Pro. 16-01019 (scc) (Master Docket)  
Lehman Brothers Holdings, Inc., v. Suburban Mortgage, Inc., Adv. Pro. No. 16-01295 (scc)

Dear Judge Chapman:

On August 24, 2022, at my client's request, pursuant to Rule 9033 of the Federal Rules of Bankruptcy Procedure, the Court granted my client Suburban Mortgage, Inc. ("SMI") an extra 21 days to respond to the Court's decision, dated August 16, 2022 ("the Decision") denying SMI's motion to dismiss for lack of standing and lack of subject matter jurisdiction, through September 21, 2022. Attached, please find a copy of SMI's Objections to that portion of the Decision that denied SMI's fact-based challenge to standing. Because Your Honor did not describe that portion of the Decision as findings of fact and conclusions of law, SMI is asking, in the attached Objections, that the district court treat the portion of the Decision denying SMI's fact-based challenge to standing as proposed findings of fact and conclusions of law. It is SMI's view that under *Carter v. HealthPort Technologies, LLC*, 822 F.3d 47, 57 (2d Cir. 2016), the Court was to issue findings of fact and conclusions of law with respect to those issues as to which the parties submitted material and controverted extrinsic evidence. Accordingly, in the attached Objections, SMI has objected to certain portions of the Court's Decision, which it believes substantively constitute the Court's actual or proposed findings of fact and conclusions of law.

Respectfully submitted,

/s/

Lani Adler

cc: Adam Bialek, Esq.  
Brant Kuehn, Esq.